

DOCKET NO. 3:93-CR-134-2-FDW

Defendant.

3. The full record before the Court reflects a defendant who personally assumed a violent role

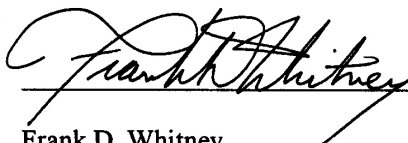
in an otherwise violent drug conspiracy in which firearms were regularly carried or used and one victim died. Furthermore, while Defendant has made some efforts toward rehabilitation while incarcerated, his disciplinary record (including a citation for possession of a dangerous weapon) demonstrates a continuing refusal to conform to the law.

4. Upon consideration of the sentencing factors set forth in 18 U.S.C. § 3553(a), the possible threat to public safety posed by the early release of a person with this defendant's criminal predispositions, and this defendant's post-sentencing conduct, the court finds:

- a. That the defendant should receive some benefit from the retroactive application of Amendment 706, but that a reduction to 168 months is inappropriate in light of the very serious offense conduct and Defendant's numerous infractions while incarcerated; and
- b. That a sentence of **200 months** as to Count One (together with a 60 month consecutive sentence as to Count Four) is adequate, but no greater than necessary, to accomplish the objectives of 18 U.S.C. § 3553(a), while a further reduction would frustrate those objectives; and
- c. That this sentence is within the amended guidelines range.

An appropriate Order shall issue separately.

Signed: December 8, 2008


Frank D. Whitney
United States District Judge

